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WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

IN RE: ACTOS® (PIOGLITAZONE)
PRODUCTS LIABILITY LITIGATION

MDL No. 6:11-md-2299

JUDGE DOHERTY

This Document Applies To:
Taylor v. Takeda Pharmaceuticals
America, Inc., et al
Civil Action No. 6:12-cv-02091

MAGISTRATE JUDGE HANNA

RULING

Magistrate Judge Patrick Hanna filed a Report and Recommendation [Rec. Doc. 197; MDL Rec. Doc. 6696] in the captioned matter on December 12, 2016, in which he recommended that this Court grant plaintiff Stella Taylor's motion to dismiss her claims with prejudice, in light of her motion and an affidavit submitted by Ms. Taylor indicating her desire to do so. For the reasons given below, this Court adopts the Report and Recommendation and dismisses the plaintiff's claims with prejudice.

As set out in the Report and Recommendation, Ms. Taylor has been represented in this litigation by Jonathan Fairbanks of the firm Zweibel & Fairbanks, LLP. Mr. Fairbanks filed a motion to withdraw as counsel of record [Rec. Doc. 189], and as a result Magistrate Judge Hanna ordered Ms. Taylor and Mr. Fairbanks to appear in court on December 12, 2016 [Rec. Doc. 191]. While she was served with notice of the hearing [Rec. Doc. 193], Ms. Taylor did not appear at the hearing. Mr. Fairbanks was unable to appear due to ill health, however, Gerard J. Marino, also of Zweibel & Fairbanks, appeared by telephone on behalf of Mr. Fairbanks, and Magistrate Judge Hanna granted Mr. Marino's oral motion to enroll as counsel for Ms. Taylor.

Mr. Marino explained that, in support of the motion to withdraw Mr. Fairbanks, Mr. Marino had submitted an affidavit signed by Ms. Taylor in which she indicated her wish to dismiss her Actos® claims with prejudice [MDL Rec. Doc. 6667-1]. Given the procedural history, therefore, Mr. Marino made an oral motion to convert the motion to withdraw into a motion to dismiss Ms. Taylor's claims, and Magistrate Judge Hanna granted that motion. On the basis of these developments, Magistrate Judge Hanna issued a Report & Recommendation [Rec. Doc. 197; MDL Rec. Doc. 6696] on December 12, 2016, recommending that this Court dismiss the claims of Ms. Taylor with prejudice.

Considering the facts described above, the desire to dismiss with prejudice expressed by Ms. Taylor, and that no objections to the Report and Recommendation have been lodged in the time allotted therefor, this Court hereby adopts Magistrate Judge Hanna's Report and Recommendation.

IT IS HEREBY ORDERED the claims of Stella Taylor are DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED a copy of this Ruling be served on Ms. Taylor, in addition to her counsel, at her last known address, 225 Coldenham Road, Walden, New York, 12586, via certified mail, return receipt requested.

THUS DONE AND SIGNED in Lafayette, Louisiana, this 13 day of January, 2017.



REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE